

SPECIAL PERMIT #46702 PHYLLIS ANN GIROUX (OWNER)

Applicant is requesting special permit approval to continue operating a kennel, vet clinic, and dog grooming services. The applicant is requesting that the permit be amended to allow the use for a period of eight years, and also the use of shotguns for training purposes on Sunday. The subject property is identified as PIN #7825-74-5296-000, containing approximately 116.49 acres, zoned Rural Agricultural, and is located at 13727 Blackwells Mill Road (State Route 617), Cedar Run District.

Mr. Fred Hodge reviewed the staff report and stated that on January 8, 1998 the BZA granted special permit approval for a kennel, vet clinic, and dog grooming services. He stated that the owner is requesting renewal for the special permit with the request that the permit be granted for eight (8) years, and to allow the use of shotguns on no more than six (6) Sundays per year, for training purposes only. He further stated that field trials are not part of this application, as field trials require special exception approval from the Board of Supervisors, and therefore, are not part of this application.

Mr. Richard Groux, Attorney with Fallon & Groux, was present to represent Dr. Phyllis A. Giroux. He stated that Dr. Giroux, along with her partner, Jack Jagoda operate Deep Run Farm. He explained that three years ago, they were granted special permit approval, and he would like for Dr. Giroux and Mr. Jagoda to give you an update on their operation since the granting of the permit.

Dr. Phyllis A. Giroux presented brochures to the BZA on their operation. She explained that they board dogs, for the owners while on vacation, etc. She stated that they are not looking to expand their operation, but only maintain the property and business as is. She further stated that they hold training seminars for owners on how to effectively train their own dogs. She explained that during this training, usually a weekend session with the first day, Saturday, being only classroom instruction and then the second day, Sunday, the demonstration of using the shotguns as a training tool, thus the reason for their request to use shotguns on Sundays, six times per year.

Mr. Rider stated that correspondence had been received from a neighbor opposing the use of shotguns on Sundays and the impact on the church during their services. He explained that the portion of the property proposed for the use of the shotgun training is closer to the churches in that location. He asked Dr. Giroux what time on Sundays would the training be held.

Dr. Giroux stated that typically Sunday morning is classroom instruction and then after a lunch break the shotgun training would begin around 1:30 to 2:00 P.M.

Mr. Lofdahl asked Dr. Giroux how long the afternoon session would last, and Dr. Giroux stated the training would end by 4:00 P.M. approximately.

Mr. Rider asked Dr. Giroux the reason for the request of an eight year permit.

Dr. Giroux explained that they are requesting an eight year permit, as they have no plans for any significant changes to the operation, and the renewal process is somewhat stressful for them.

Mr. Rider explained that the BZA rarely grants permit for longer than five years. He further asked Mrs. Bowen if there have been any complaints since the permit was granted three years ago, and Mrs. Bowen stated that there have been no complaints received by our office.

Mr. Lofdahl asked Mrs. Bowen if the permit could be renewed administratively, and Mrs. Bowen stated that the Zoning Ordinance does not allow for administrative renewal of this use.

Mr. Meadows asked Mrs. Bowen if any future complaints are received would the case be returned to the BZA for a decision.

Mrs. Bowen explained that if a complaint is received, our office notifies the owner, and handles the process administratively, however if there is flagrant disregard to violations, and or letters from our office, the case could be returned to the BZA for revocation, if necessary.

Mr. Rider stated that he felt that if the shotgun training is permitted, the training should not begin before 12:30 P.M., and Mr. Meadows stated that if the training ends in the afternoon, it would not affect evening church services.

Dr. Giroux stated that the closest church rarely holds evening services, but she would not oppose ending before evening.

Mr. Jack Jagoda spoke regarding this request. He stated that in addition to a time limit, they have also provided buffers along the roadway, by planting approximately 4,500 different types of grasses and trees. He stated that he felt that their request is reasonable as they are not looking for any growth at this point, and also since there is not any strong opposition to the use.

Mr. Rider if there was anyone present that wished to speak regarding this request.

No one spoke.

On the motion made by Mr. Lofdahl, and seconded by Mrs. Mailler, it was moved to grant special permit #46702, after due notice and hearing, as required by Code of Virginia §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the Board's findings:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.

4. The application does comply with the specific standards which apply to the use in question, namely:

5-202

**Standards for Home Occupations with Retail Sales and Services**

1. Such use shall be permitted as a home occupation in accordance with Section 6-302 and shall not be listed in Section 6-303 or similar thereto.
2. All public contact related to such a use shall be limited to the period between 7:00 A.M. and 8:00 P.M.
3. Off-street parking for the use shall be provided in accordance with the provisions of Article 7 in addition to that required for the dwelling unit and shall not be located in any required front yard.
4. Signs shall be limited to those allowed for home occupations in the zoning district where located.
5. Such use shall satisfy the use limitations set forth in Section 6-304, except that retail sales may not be displayed, stored or sold on the premises other than that which is produced on the premises.
6. Such use shall have frontage on a public street maintained by VDOT.

5-1301

**Additional Standards for Kennels**

1. The minimum lot size requirement shall be two (2) acres.
2. No structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
3. All dogs shall be kept in pens designed and maintained for secure confinement.
4. In consideration of an application for a permit, the BZA shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may prescribe conditions with respect thereto.
5. Maximum of ten (10) dogs per acre.

5-1302

**Additional Standards for Veterinary Clinics**

1. All such facilities shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
  2. In a Residential or Rural District, the facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):
1. The permit is granted for a period of six (6) years.
  2. Maximum number of dogs allowed is fifty (50).
  3. Shotguns may be used for training from 8:30 A.M. to 6:00 P.M. Monday through Saturday, and 12:30 to 6:00 P.M., six (6) Sundays per year.
  4. Special Permit does not convey with the sale of the property.

The motion carried unanimously.

#### MINUTES

The minutes of the December 7, 2000 meeting were carried over until the February 1, 2001 meeting.

#### OTHER MATTERS

Mr. Rider stated that Dr. Branscome's term expires today, January 4, 2001, and he would like to thank him for his contribution to the Board of Zoning Appeals during his tenure. On a motion made by Mr. Meadows, and seconded by Mrs. Mailler, it was moved for Mrs. Bowen to send an appreciation letter to Dr. Branscome on behalf of the Board of Zoning Appeals thanking him for his contributions. The motion carried unanimously.

Mr. Rider stated that an appointment has been made to the Board of Zoning Appeals for this position, and his name is Mr. Maximilian A. Tufts, Jr. Mr. Tufts will begin with the February meeting, he was appointed effective January 5, 2001.